

## ASSIGNMENT

WHEREAS, we, Anne N. Murphy and Amy K. Stout (hereinafter referred to as ASSIGNORS), having post office addresses of 310 Cole Ranch Road, Encinitas, California 92024, and 556 Oakdale Road N.E., Atlanta, Georgia 30307, respectively, are the joint inventors of an invention entitled "SCREENING ASSAYS USING INTRAMITOCHONDRIAL CALCIUM," as described and claimed in the specification for which an application for United States letters patent was filed on January 16, 2001, and assigned Application No. 09/765,104, which application claims the benefit of U.S. Provisional Patent Application No. 60/176,384, filed January 14, 2000.

WHEREAS, MITOKOR (hereinafter referred to as ASSIGNEE), a corporation of the State of California having a place of business at 11494 Sorrento Valley Road, San Diego, California 92121, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

March 26, 2001  
Date

A. N. Murphy  
Anne N. Murphy

State of California  
County of San Diego

ss.

I certify that I know or have satisfactory evidence that Anne N. Murphy is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.



Dated March 26, 2001

Signature of Notary Public Alice A. Roder

Printed Name Alice A Roder

My appointment expires July 22, 2004

\_\_\_\_\_  
Date

\_\_\_\_\_  
Amy K. Stout

State of \_\_\_\_\_

County of \_\_\_\_\_

ss.

I certify that I know or have satisfactory evidence that Amy K. Stout is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

Signature of Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_

My appointment expires \_\_\_\_\_

Date \_\_\_\_\_ Anne N. Murphy

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

ss.

I certify that I know or have satisfactory evidence that Anne N. Murphy is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated \_\_\_\_\_

Signature of  
Notary Public \_\_\_\_\_

Printed Name \_\_\_\_\_

My appointment expires \_\_\_\_\_

03/26/01  
Date \_\_\_\_\_

Amy K. Stout  
Amy K. Stout

State of Georgia )

County of DeKalb )

ss.

I certify that I know or have satisfactory evidence that Amy K. Stout is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 3/26/01 \_\_\_\_\_

Signature of  
Notary Public \_\_\_\_\_

Printed Name JULETTE A. HOLLOWAY

My appointment expires \_\_\_\_\_

Notary Public, DeKalb County, Georgia  
My Commission Expires March 20, 2002

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## DECLARATION

As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first, and joint inventors of the invention entitled "SCREENING ASSAYS USING INTRAMITOCHONDRIAL CALCIUM," which is described and claimed in the specification and claims of Patent Application No. 09/765,104, which we filed in the United States Patent and Trademark Office on January 16, 2001, and for which a patent is sought, which application claims the benefit of U.S. Provisional Patent Application No. 60/176,384, filed January 14, 2000.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a).

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Anne N. Murphy

Date

March 26, 2001

Residence

: City of Encinitas, County of San Diego  
State of California

Citizenship

: United States of America

P.O. Address

: 310 Cole Ranch Road  
Encinitas, California 92024

Amy K Stout  
Amy K. Stout

Date 03/29/01

Residence : City of Atlanta, County of ~~Fulton~~ DeKalb  
State of Georgia

Citizenship : United States of America

P.O. Address : 556 Oakdale Road N.E.  
Atlanta, Georgia 30307

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